

MINUTES

1. CALL TO ORDER

Chair Stewart called the meeting to order at 7:00 pm. Members present: John Brower, Diana Stewart, Dan Frasier, Graham Matthews. Staff present: Senior Planner Carson Anderson, County Counsel Sophia Meyer, Clerk Naomi Merwin. Other attendees: Representatives from Regional Water Quality Control Board Stormer Feiler and Connor McIntee.

2. PUBLIC COMMENT

Members of the public may address the Planning Commission concerning matters within their jurisdiction, which are not listed on the agenda and to request that a matter be agendaized for a future meeting. No action may be taken on these matters at this meeting.

Chair Stewart opened public comment.

Comments received from Adrien Keyes, Jose Acosta.

Chair Stewart closed public comment.

3. MINUTES – None

OLD BUSINESS - None

NEW BUSINESS

4. NORTH COAST REGIONAL WATER QUALITY CONTROL BOARD

Discussion: Waste discharge waiver / water quality certification and environmental compliance program for commercial cannabis. Representatives from the Regional Water Quality Control Board will attend and will discuss the 2016 wastewater discharge review and compliance enforcement program.

Chair Stewart opened Item 4 to the Commission.

Senior Planner Anderson introduced Stormer Feiler and Connor McIntee from the North Coast Regional Water Quality Control Board (NCRWQCB).

Stormer Feiler and Connor McIntee delivered a Power Point presentation on Item 4 to the Commission, during which they explained their agency's mandate and the water quality certification process, and discussed current site inspection and remediation efforts.

The Commission asked a number of questions of the NCRWQCB representatives as part of its discussion of the item. In response it was stated that a total of 470 cannabis-related waiver-from-wastewater-discharge enrollments have occurred within the region – approximately 50 of those originating in Trinity County, with an additional 15 Trinity County enrollees being proposed through third party certifiers. Feiler and McIntee noted that they have counted some 1,137 parcels in the South Fork of the Trinity River Watershed where cannabis cultivation is occurring. It was reported that NCRWQCB follows a six-step enforcement process – the sixth step being the placing of liens – and that it has the authority to place levies on federal agencies to achieve corrections of wastewater issues occurring on federal land related to illegal cannabis activities. In response to additional questioning, Feiler and McIntee indicated that they lack authority concerning groundwater concerns.

In their concluding remarks, the NCRWQCB representatives expressed support for the County adopting an effective grading ordinance, as this would help bolster their agency's enforcement efforts.

5. **ZONING AMENDMENT TO IMPLEMENT POLICIES OF THE 2009 - 2014 COUNTY HOUSING ELEMENT.**

PW-14-04

Public Hearing: Public hearing to consider the Draft 2014-2019 Housing Element and accompanying Initial Study/Negative Declaration. As proposed, the Draft Housing Element contains only minor refinements of the policies presented in the existing Housing Element (2009-2014). It focuses on meeting current California Department of Housing and Community Development (HCD) guidance governing the contents of a housing element and related methodologies for data collection and sampling. These changes include a description of the successful public participation process undertaken as part of preparing the Draft 2014-2019 Housing Element, updated demographic, economic, housing characteristics information, and a vacant land inventory, as well as discussion of the updated Regional Housing Needs Allocation (RHNA). There are further updates to discussions of governmental and non-governmental constraints to the building of affordable housing, as well as reporting on progress made towards the implementation of programs proposed in the current Housing Element (2009-2014). Examples include new or revamped programs, consistent with current state law, to address state density bonus law, single-room occupancy for extremely low-income households, and special needs groups. In addition, the input of the Planning Commission will be sought on height limits for housing development in the R-3 zone, and concerning occupancy limits for transitional and emergency housing, consistent with state law.

Chair Stewart opened Item 5 to the Commission.

Senior Planner Anderson provided overview for staff report for Item 5. Advised the main changes had to do with updating the public outreach effort and responding to comments and concerns. Reported there were no comments from the State Clearinghouse on the environmental report. Expressed intent to bring the item to the Board of Supervisors in June and then obtain a final expedited review and certification of Housing Element from Department of Housing and Community Development.

Chair Stewart opened public comment.

Comment received from Jose Acosta asking that analysis of the impact of widespread cannabis cultivation and related migrant cannabis labor housing issues needs to be included in the final Housing Element and CEQA analysis and requested the Commission table the matter and get direction from the Board of Supervisors.

Chair Stewart closed public comment and brought Item 5 back to the Commission.

Commissioner Matthews stated there are a number of places where the Commission needs to amend the zoning ordinance; asked staff what the timeframe is.

Senior Planner Anderson advised he has discussed this with the housing consultant; it will take discussion and research, guidance from Planning Commission and the Board of Supervisors on how to proceed. Although a timeline has not been specified, he thought it likely that staff would bring these items back within the next 1-2 years for discussion.

Chair Stewart asked staff if the Planning Commission should recommend the Housing Element be adopted and those changes would come back at a later time.

Senior Planner Anderson stated that was correct.

Commissioner Brower commented that the population in south County expands in the summer and fall in association with the growing season. There is a large seasonal labor force that is likely larger than estimated.

Chair Stewart asked if Commissioner Brower was recommending mention within the document regarding migrant

housing.

Commissioner Brower responded farm housing is already mentioned; recommended trying to get a reliable number on what that migrant labor force is.

Senior Planner Anderson advised it is challenging to get an exact count for illegal, underground activities. The information received is nebulous, migrant laborers are part of it, but also seasonal residents that are not cannabis related. Data would be needed to get a good handle on what the scope of the issue is and how to address it, but noted that the housing element update, as proposed, meets all HCD statutory requirements.

Commissioner Matthews asked county counsel for guidance regarding whether the CEQA document is incorrect in assessing the impacts based on lack of information due to the migrant cannabis labor and whether the Commission should recommend approval and move this to the Board of Supervisors?

Counsel Meyer responded that the Commission has the option of tabling this topic for further investigation or that it could send it to the Board of Supervisors recommending adoption while noting the potential issue and asking for direction. Counsel Meyer stated that the Board of Supervisors ultimately decides whether to adopt the document, and advised that there is no problem with moving forward or with tabling the item.

Upon motion of Commissioner Matthews, seconded by Commissioner Brower, to recommend adoption of the draft Housing Element and Initial Study/Negative Declaration to the Trinity County Board of Supervisors stating that it meets requirements of Section 65300, Article 10 of California State Government Code, the intent of the State Housing and Community Development (HCD) Guidelines and CEQA, and is consistent with the Trinity County General Plan. Motion carried unanimously.

Senior Planner Anderson asked the Commission to confirm whether it was its will that staff provide a response to the concerns regarding migrant labor related to cannabis production.

Commissioner Matthews responded that it should be indicated in the Staff Report to the Board of Supervisors that the Commission received comments regarding the issue, and that the Commission asked that the Board to provide direction on the matter.

6. MATTERS FROM THE COMMISSION

Chair Stewart requested staff provide notification of special meetings further in advance of what was provided for the April 28th meeting.

7. MATTERS FROM STAFF

None.

8. ADJOURN

Chair Stewart adjourned the meeting at 7:50 pm.